

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

UNITED STATES OF AMERICA, *et al*)
ex rel. John R. Borzilleri, M.D.)
Plaintiffs,)
v.) C.A No. 14-031-WES
BAYER, A.G., *et al*,)
Defendants.)

**MEMORANDUM OF LAW IN SUPPORT OF PLAINTIFF'S MOTION
TO CORRECT MISJOINDER OF DEFENDANTS**

The Relator, John Borzilleri, and, through counsel, moves, under Rule 21 of the Federal Rules of Civil Procedure, to correct the misjoinder of three (3) parties to the Second Amended Complaint.

The Second Amended Complaint, filed on July 6, 2018, listed as party defendants three (3) entities, that were named incorrectly:

1. Bayer AG
2. Teva Pharmaceutical Industries, Ltd.
3. Novartis, AG

A subsequent, recent investigation by Relator has revealed that those three defendants were mis-named. The three parties should be designated as:

1. Bayer Healthcare Pharmaceuticals, Inc. instead of Bayer AG;
2. Teva Neuroscience, Inc., and Teva Pharmaceuticals USA, Inc.

Instead of Teva Pharmaceutical Industries, Ltd.; and

3. Novartis Pharmaceutical Corporation instead of Novartis, AG.

Rule 21 of the Federal Rules of Civil Procedure allows the Court to correct a misjoinder of parties. Here, this matter is at its inception and the Relator wishes to correct this inadvertent naming of the incorrect parties.

The relator, John R. Borzilleri, MD, respectfully requests that the mis-joinder of the three defendants be corrected and that the four entities listed in this memorandum be substituted as defendants in accordance with the representations made herein.

/s/Edward C. Roy, Esquire
EDWARD C. ROY, ESQUIRE
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CERTIFICATION

I hereby certify that I served a copy of the within in the United States of America, Zachary Cunha, AUSA by filing a copy with the CM/ECF case filing system of the United States District Court on July 27, 2018 and on John R. Borzilleri, M.D. via electronic mail at borzillerij@gmail.com, and upon Wayne E. George, Esq., counsel for Defendant, Express Scripts Holding Co., at wayne.george@morganlewis.com.

/s/Edward C. Roy, Esq.